

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2191 - SB 2121

May 28, 2020

SUMMARY OF ORIGINAL BILL: Requires a law enforcement agency to pick up sexual assault evidence collection and hold kits within 48 hours of notification. Requires law enforcement agencies to store a hold kit until the statute of limitations for the offense expires. Reduces the time in which law enforcement is required to submit sexual assault evidence collection and hold kits to the Tennessee Bureau of Investigation (TBI) or a similarly qualified laboratory.

Prohibits the use of sexual assault forensic evidence to be used to prosecute sexual assault victims for drug related misdemeanor offenses.

Expands the role of crime victim advocates and victim-witness coordinators.

Requires the TBI to create a tracking system, as well as a written pamphlet explaining how to access and use the tracking system.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$5,000/FY20-21

SUMMARY OF AMENDMENT (017783): Deletes all language after the enacting clause. Requires a law enforcement agency to pick up sexual assault evidence collection and hold kits within seven days of notification. Requires law enforcement agencies to store a hold kit for ten years. Reduces the time in which law enforcement is required to submit sexual assault evidence collection and hold kits to the Tennessee Bureau of Investigation (TBI) or a similarly qualified laboratory.

Prohibits the use of sexual assault forensic evidence to be used to prosecute sexual assault victims for drug related misdemeanor offenses.

Expands the role of crime victim advocates and victim-witness coordinators.

Requires the TBI to create a tracking system, as well as a written pamphlet explaining how to access and use the tracking system.

Requires, by July 1, 2021, any law enforcement agency, the state crime lab, and any other similar qualified laboratory that receives, maintains, stores, or preserves sexual assault evidence collection kits or hold kits to participate in the electronic tracking system and to provide the

victim with the written pamphlet. Requires a law enforcement agency to enter the sexual assault evidence collection kit or hold kit into the tracking system within ten days of receipt.

Effective October 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-519(b), a victim of a sexually oriented crime is entitled to a forensic medical examination without charge to the victim. Upon the conclusion of the forensic examination, the resulting sexual assault evidence collection kit or hold kit shall be released to a law enforcement agency by a healthcare provider for storage or transmission.
- Requiring the law enforcement agency to pick up this kit within seven days of notification will not significantly impact operations and can be accomplished with existing local resources.
- Currently, a hold kit with only an identification number attached to it, is required to be stored for a minimum of three years or until the victim makes a police report, whichever event occurs first. Requiring law enforcement agencies to store these kits for ten years or until the victim makes a police report can be accommodated with existing storage.
- It can be reasonably assumed that reducing the time that law enforcement has to submit a sexual assault evidence collection kit or a hold kit to the TBI or a similarly qualified laboratory, from 60 to 45 days of taking possession of such kit, can be accomplished with existing personnel and resources.
- It is estimated that there are currently not enough prosecutions of sexual assault victims for drug related offenses as a result of sexual assault forensic evidence to result in a decrease in state or local expenditures under this legislation.
- Pursuant to Tenn. Code Ann. § 8-7-206, each judicial district is required to have a victim-witness coordinator.
- This legislation grants victims of sexually oriented crimes the right to consult with a crime assistance program or a victim-witness coordinator at any stage of the criminal proceeding, if practical, and if the presence of the crime victim advocate, victim-witness coordinator, or support person does not cause any unnecessary delay in the investigation or prosecution of the case. This will not have a significant fiscal impact on state or local government.
- The Portland Police Bureau (Oregon) developed the Sexual Assault Management System (SAMS) Track Victim Portal, which is an online portal where survivors of sexual assaults can track the progress and status of their Sexual Assault Forensic Evidence (SAFE) kits. This was in response to the 2018 State of Oregon House Bill 4049, which requires law enforcement to give survivors anonymous access to the current status and past progress of their sexual assault kit.

- The SAMS Track Victim Portal was developed in 2018 by the Portland Police Bureau's IT Department in collaboration with the Bureau's Sex Crimes Unit and was made possible and funded by the Sexual Assault Kit Initiative grant.
- According to the representatives of the SAMS Track, it is confirmed that this system is available at no cost for the tracking software or support of the software through 2022. After 2022, the federal grant supporting SAMS Track will expire. At that time additional federal grant funds may be supplied, the control and management of SAMS Track may be given to the nonprofit organization, or each user may be responsible for continuing support.
- Although the software and support are provided free of charge, Tennessee will be responsible for the travel and per diem costs to bring three people from Portland, Oregon to Tennessee for five days to perform installation and training of SAMS Track.
- Based upon current federal rates, the costs would include for lodging (\$223 per night) and per diem (\$61 per full day and \$45.75 per travel day) and an estimated \$500 round-trip airfare price.
- There will be a one-time increase in state expenditures of \$5,000 $\{[(\$223 \times 4 \text{ nights}) + (\$61 \times 3 \text{ full days}) + (45.75 \times 2 \text{ travel days}) + \$500] \times 3 \text{ people}\}$ in FY20-21.
- The TBI can create and distribute a pamphlet utilizing existing resources.
- Law enforcement agencies, the state crime lab, and any other similar qualified laboratories that receive, maintain, store, or preserve sexual assault evidence collection kits or hold kits can participate in the electronic tracking system utilizing existing personnel and resources.
- Requiring a law enforcement agency to enter the sexual assault evidence collection kit or hold kit into the tracking system within ten days of receipt can be accomplished with no significant impact to state or local expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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